

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 1:17-CR-43-TLS-PRC
)	
ABDULAZIZ AL-BALAWI,)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON PLEA OF GUILTY BY DEFENDANT ABDULAZIZ AL-BALAWI**

TO: THE HONORABLE THERESA L. SPRINGMANN,
UNITED STATES DISTRICT COURT

Upon Defendant Abdulaziz Al-Balawi's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on November 14, 2017, with the consent of Defendant Abdulaziz Al-Balawi, counsel for Defendant Abdulaziz Al-Balawi, and counsel for the United States of America.

The hearing on Defendant Abdulaziz Al-Balawi's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Abdulaziz Al-Balawi under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Abdulaziz Al-Balawi,

I FIND as follows:

(1) that Defendant Abdulaziz Al-Balawi understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Abdulaziz Al-Balawi understands his right to trial by jury, to persist in his

plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and against compelled self-incrimination;

(3) that Defendant Abdulaziz Al-Balawi understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Abdulaziz Al-Balawi understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Abdulaziz Al-Balawi has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Abdulaziz Al-Balawi is competent to plead guilty;

(6) that Defendant Abdulaziz Al-Balawi understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Abdulaziz Al-Balawi's plea; and further,

I RECOMMEND that the Court accept Defendant Abdulaziz Al-Balawi's plea of guilty to the offense charged in the Indictment and that Defendant Abdulaziz Al-Balawi be adjudged guilty of the offense charged in the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Abdulaziz Al-Balawi be adjudged guilty, a sentencing date before the presiding judge will be set by separate order. Objections to the Findings and Recommendation are waived unless filed and served within fourteen days. 28 U.S.C. § 636(b)(1).

SO ORDERED this 14th day of November, 2017.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: Honorable Theresa L. Springmann